

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
---	----------------------------------

**This document relates to:**

*Burnett, et al. v. Islamic Rep. of Iran, et al.*, No. 15-cv-9903 (GBD)(SN)

**PLAINTIFFS' NOTICE OF MOTION FOR ENTRY OF DEFAULT AS TO LIABILITY  
AND PARTIAL FINAL DEFAULT JUDGMENTS ON BEHALF OF PERSONAL  
REPRESENTATIVES OF ESTATES OF NON-NATIONAL 9/11 DECEDENTS**

**(BURNETT NON-NATIONALS 5)**

PLEASE TAKE NOTICE that upon the accompanying declaration of John M. Eubanks, with exhibits, and the accompanying memorandum of law, the Moving Plaintiffs in the *Burnett* action pending before the Court who are the personal representatives of the estates of non-United States-national 9/11 decedents killed in New York City respectfully move this Court for partial default judgment awarding them (1) compensatory damages for pain and suffering for those individuals killed in New York City in the same per estate amount previously awarded by this Court for other estates of decedents killed in the terrorist attacks on September 11, 2001 with claims arising under 28 U.S.C. § 1605A(c); (2) wrongful-death damages for the plaintiffs identified in the expert reports attached as Exhibit C to the Eubanks Declaration and filed on ECF under seal pursuant to the Court's May 5, 2022 order, ECF No. 7963, pursuant to New York law; (3) prejudgment interest at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment; (4) permission for the Moving Plaintiffs to seek punitive damages, wrongful-death damages, or other damages at a later date; and (5) for all other similarly situated *Burnett* Plaintiffs whose claims are subject to the jurisdiction of this Court against the Islamic Republic of Iran, the Islamic Revolutionary Guard Corps, and the Central

Bank of the Islamic Republic of Iran (collectively the “Iran Defendants”) solely under the exception to sovereign immunity found at 28 U.S.C. § 1605B(b), to submit applications for damages awards in later stages, to the extent such awards have not previously been addressed.

Plaintiffs’ request is made in connection with the judgment for default as to liability that was sought against the Islamic Republic of Iran, the Islamic Revolutionary Guard Corps, and the Central Bank of the Islamic Republic of Iran in the *Burnett* case on April 30, 2024. *See* ECF No. 9733.

Dated: June 26, 2024

Respectfully submitted,

MOTLEY RICE LLC

/S/ John M. Eubanks

John M. Eubanks, Esq.  
Jodi Westbrook Flowers, Esq.  
Robert T. Haefele, Esq.  
Jade Haileselassie, Esq.  
28 Bridgeside Boulevard  
Mount Pleasant, SC 29464  
Tel: (843) 216-9000  
Fax: (843) 216-9450  
Email: [jeubanks@motleyrice.com](mailto:jeubanks@motleyrice.com)

*Attorneys for Plaintiffs*